

OFFICE OF LEGAL AFFAIRS

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***Valdivia v. Schwarzenegger*****California Department of Corrections and Rehabilitation
Valdivia Monitoring Report- Office of Court Compliance****Placer County Jail & El Dorado County Jail****2009- Third Quarter**

September 1–2, 2009

The Office of Court Compliance (OCC) submits this report on the Third Quarter 2009 monitoring tour of the Placer and El Dorado County Jails, which occurred on September 1-3, 2009. The OCC reviewed parole revocation documents, observed parole revocation proceedings and interviewed staff from the Board of Parole Hearings (BPH), the Division of Adult Parole Operations (DAPO) and the California Parole Advocacy Program (CalPAP). The purpose of the tour was to evaluate CDCR's compliance with the requirements of the *Valdivia* Permanent Injunction, the *Valdivia* Remedial Plan, and current departmental policy and procedures governing parole revocation. The OCC representatives were Russa Boyd, Deputy Commissioner; Daniel Carvo, Parole Agent II; Jesús Bautista, Parole Agent II; Wayne Flores, Parole II and Kenneth Coombs, Correctional Counselor II. Two of the monitors were in training as new members of the OCC self-monitoring team.

In preparation for the tour, the OCC reviewed 15 cases from Placer County Jail and 15 cases from El Dorado County Jail, for a total of 30 revocation packets provided to CalPAP, thereby enabling a review of the quality and completeness of documents given to the parolee and his/her attorney. During the tour the OCC observed seven notice of rights, two probable cause hearings and one revocation hearing. The OCC monitors interviewed staff from both the Auburn parole office and the El Dorado Gold Country office, which included one Unit Supervisor (US), one Assistant Unit Supervisor (AUS), two officers of the day and the FUNA who works out of both offices conducting notices at the Placer and El Dorado County Jails as well as neighboring county jails.

This report identifies deficiencies that require corrective action(s) and a Corrective Action Plan (CAP) is attached to this report. The OCC will allow each applicable division to develop the corrective action they deem most appropriate for remedying the compliance deficiencies. However, the OCC is always available to provide input or suggestions to the affected divisions in order to develop efficient corrective action and any necessary policy changes. The OCC is also

available to assist in investigating the underlying causes that contribute to the compliance issues identified herein. Each division shall utilize this report to complete the attached CAP by documenting their proposed/implemented corrective action and return to the OCC within 30 days.

1) Probable Cause Determination (PCD)

a) Timeliness

A timely PCD was completed in 30/30 cases reviewed for a 100% compliance rating. *Exhibit 1*. The monitors also observed seven notices during the tour and all PCDs were timely for a total of 37/37 (100%).

The RSTS Closed Case Summary for the period June 1, 2009 through August 15, 2009 showed both the Auburn and Gold Country parole units at a 98% compliance rating at the PCD step, demonstrating DAPO's diligent efforts to meet the stringent timeline.

b) Qualitative Document Review

In the case of parolee Berg (K39835), staff submitted supplemental charges on a 1502-B two days after the first 1502-B was authored and one day after notice occurred. A review of the revocation packet revealed the following: Berg was first arrested on 7/24/09 (a Friday), on 7/27/09 an agent (perhaps the officer of the day) from the Auburn parole office authored the 1502-B charging the parolee with battery with great bodily injury. The US signed off on the PCD and the notice documents were provided to a FUNA, who served notice on 7/28/09. Thereafter, on 7/29/09, a supplemental 1502-B was authored by the AOR and included two additional charges of association with a prohibited person and failure to participate in a batterers' program.

These charges, although submitted as supplemental charges, were not newly discovered as a result of an investigation subsequent to the incident. They were violations of the parolee's special conditions of parole that were known charges but not captured on the first charge report. The attempt to capture the known violation charges as supplemental charges led to the discovery of discrepancies in the two charging documents: several information boxes included conflicting information or were not completed at all; date copy was given to parolee, the arrest code, hold date, discovery date, controlling discharge date and discharge review date all differed from the first charge report submitted and the US failed to check the PCD box. Furthermore, there is no evidence that Berg was ever provided a second notice to address the supplemental charges. *Exhibit 2*.

2) Notice of Rights/Charges

a) Timeliness

A timely notice was completed in 30/30 (100%) cases reviewed prior to the tour. *Exhibit 3*. In addition, seven notices were observed during the tour and all were timely. Therefore, a total

of 37/37 (100%) cases met *Valdivia* timelines at the notice step. DAPO should be congratulated for their diligent efforts to meet the three business day notice timeline.

The OCC also conducted a review of the RSTS Closed Case Summary for June 1, 2009-August 15, 2009. Notices for Auburn cases were 95% timely and notices for Gold Country cases were 98% timely. A drill-down on the notices reported late in RSTS revealed that some were not actually late because the case was disposed of at the unit level or the parolee received a remedial sanction at the PCD and notice was therefore unnecessary. There were also cases that were late for good cause in that they were the result of an institution lockdown and one case was a mistaken identity. However, there were also a few cases in which notice was late without good cause because the notice agent received the case late from the field unit.

According to CalPAP statistics, notices continue to be timely for a vast majority of cases assigned out of their Sacramento office. Data reveals the following timeliness statistics for the appointment of counsel:

Month	Cases Reviewed	Cases in compliance	Percent Timely
August 2009	463	452	97.62%
September 2009	487	479	98.36%
October 2009	475	459	96.63%

b) Observations

The OCC had the opportunity to observe the FUNA conduct four notices at the Placer County Jail and three at the El Dorado County Jail. The monitors recognized that the FUNA, in preparation for notices, conducts thorough research to identify parolees in need of notice and serve them timely. Such was the case of Olson (P55631), a parolee assigned to the San Jose #5 parole office who was arrested on 8/30/09 (a Sunday) and taken to the El Dorado County jail. Since Olson was at the El Dorado jail his parole revocation packet should have been faxed to the Gold Country office but the FUNA could not locate it. The FUNA, noting the no later than date for notice as 9/02/09 (the day he was observed), conducted a search in order to locate the packet. He discovered the revocation packet had been faxed, in error, to the wrong parole unit (the Auburn office). The FUNA was able to get the faxed revocation packet and conduct the notice on time. The FUNA added that he often encounters similar situations in which agents, when faxing revocation packets, still refer to an old California County Jail roster that lists Auburn and Gold Country parole offices at the same location when in reality they are approximately 32 miles apart. He could not recall any late cases caused by this error but acknowledged that it consumes a considerable amount of time to find these cases.

The FUNA, in his presentation during notices, was systematic and considerate. He addressed ADA accommodations/needs to ensure the parolees were able to read and understand the revocation process. All but one notice were conducted within the housing pods or interview rooms away from other jail inmates. The other notice for parolee Caldwell (V48329), a high risk sex offender, was conducted in a housing unit where jail inmates were present but they were seated approximately 20 feet away and engaged in conversation and watching television. The integrity of the notice did not appear to be compromised.

Past self-monitoring reports have noted that notice agents sometimes paraphrase or cite erroneous information contained in the BPH 1100 when conducting a revocation rights review. This notice agent did a great job reading the BPH 1100 verbatim while also answering questions for the parolees as they arose.

c) Qualitative Document Review

The individual deficiencies associated with the various notice documents, including names and CDC numbers, can be found in *Exhibits 4 and 5*. A summary of the most common compliance deficiencies, where at least 10% of cases had some problem identified from the documents, are noted below:

BPH 1073:

- Four packets did not have the source document attached to the BPH 1073 although Section I identified a disability, needed accommodation, or reading/GPL level below 4.0. *Exhibit 4*. OCC sees this issue at all locations throughout the state and will conduct an inquiry to determine where the breakdown in communication and information sharing is.
- In 3/30 (10%) Section II of the 1073 did not have any boxes marked to indicate whether the parolee self-identified the need for accommodation or reported no need for accommodation throughout the parole proceedings. *Exhibits 4 and 6*.
- In three cases (10%) the parolee had a low reading level or self-identified a need for assistance understanding procedures and forms but the notice agent did not document any means used to facilitate effective communication. *Exhibits 4 and 7*.

All remaining 1073s and 1100s that were deficient in some way are attached as *Exhibit 8* and the specific deficiency can be located in *Exhibit 4* (these are cases where the deficiency occurred in less than 10% of total cases).

CDCR 1502-B:

- In 5/30 (17%), the CDCR 1502-B failed to meet the requirement to provide a short statement of fact for each charge alleged against the parolee. *Exhibits 5 and 9*. The monitors also observed seven notices and one 1502-B used to serve notice was deficient in this regard, for a total of 6/37 (16%) deficient cases. The following chart provides a summary of deficient cases:

Parolee CDC #	Parole Violation Charge(s)	Charge Report Short State of Fact Summary
Berg (K39835) Auburn	1. Battery W/GBI 2. Assoc. W/Person Prohibited By DAPO 3. Failure to Participate In Batters Program	In this case the AOR had an arrest report available and could have provided a more descriptive account of what led to the charge, ie punched victim on the face breaking his jaw in two places. Instead, the AOR merely provides a date, arresting agency, report # and the charge.

Daniel (F01680) Sac/Florin	1. DUI (Alcohol) 2. Violation of Special Conditions of Parole	The CDCR 1502-B merely cites "subject was arrested on the above charges and transported to Placerville County Jail."
Garrison (V48384) Auburn	1. Abscond 2. Use of Alcohol 3. Domestic Violence	The 1502-B merely states that on 12/17/08 a miscellaneous decision was submitted because the parolee's whereabouts were unknown. The charge reports is absent of what series of events led the AOR to determine Garrison was unavailable for supervision i.e. home visit, job visit, or date(s) contact was attempted.
Harris (F15379) Auburn	1. Failure to Report to PCS&D 2. Abscond Parole 3. Resisting Arrest	The 1502B is absent of any facts that led to charging absconding, i.e. attempts to locate Harris at home, job, or place(s) he frequents. The AOR merely cites parolee Harris had been in abscond status since 6/22/09 and on 7/20/09 a report was submitted to BPH. The AOR also includes a charge of failure to report...it is unlikely that if parolee Harris was absconding that he would report, however the narrative is absent of any order for him to report.
Newman (T58188) Gold Country	1. Failure to follow Instructions 2. Failure to Attend OPC 3. Absconding 4. Possession Ammunition. 5. Murder	The 1502B in the packet says it is page 2 of 2 and starts with statements of facts for charges 4 and 5. There is no page 1 of 2 to address charges 1, 2, and 3.
Sharp (T83895) Auburn	1. Absconding 2. ADW Wpn. Not F/A 3. Poss. Marijuana	The charge report was absent of what facts led to the PAL warrant and subsequent abscond charge. The AOR, as the author of the PAL warrant, had information available for the 1502B.

d) Charges added after notice

Of the 30 cases reviewed prior to the tour, ten cases had charges added after the parolee was noticed. Of these ten, seven (70%) had charges that the parole agent authoring knew or should have known about at the time the CDCR 1502-B was authored. Further investigation revealed that all improperly added charges were DAPO-imposed violations of special conditions of parole (association with person prohibited by DAPO, not to use alcohol, EID curfew and failure to participate in self-help programs)- all charges that DAPO had information to support when the 1502-B was written and the parolee noticed.

The chart below illustrates a summary of the cases where charges were added that were known or should have been known when the charge report was authored:

Parolee CDC #	Parole Violation Charge	Added Charge Narrative Summary
Berg (K39835) Auburn	<ol style="list-style-type: none"> 1. Battery W/GBI 2. Assoc. W/Person Prohibited By DAPO - added¹ 3. Failure to Participate In Batters Program - added 	In this case the charge report dated 7-27-09 referenced charge # 1 Battery W/GBI and the NOR was conducted. Then on 7-29-09, one day after Berg's NOR, a supplemental report was submitted to include charges #2 & #3. These charges were violations of special condition of parole and were known or should have been known when the AOR submitted the first report.
Frazier (V39079) Sac Metro	<ol style="list-style-type: none"> 1. Failure to Attend POC 2. DUI Alcohol/Drugs 3. Resisting Arrest 4. Driving W/Revoked License 5. Use of Alcohol - added 	The AOR indicates on the violation report that on 2/11/09 parolee Frazier signed a special condition of parole prohibiting him from possessing or consuming alcohol. It is unclear how the AOR in preparation of the charge report included charge # 1 "Failure to Attend POC" a S.C.O.P. yet did not capture added charge # 5 also a S.C.O.P. "Use of Alcohol." The AOR should have known of this included charge at the time the 1502-B was authored.
Griffith (V96575) Santa Rosa 2	<ol style="list-style-type: none"> 1. Absconding 2. Violation Special Conditions of Parole /Use of Alcohol-added 3. Drunk In Public 4. Resist Arrest 	On 1/04/06 Parolee Griffith signed and dated a special condition of parole prohibiting the use of alcohol. This condition was known or should have been known and included when the charge report was authored, especially when the parole agent included drunk in public as an initial charge.
Holbert (F75969) Auburn	<ol style="list-style-type: none"> 1. Poss. Amphetamine 2. Poss. Drug Paraphernalia 3. V.S.C.O.P. EID Curfew-added 	The AOR reports in the narrative section of the charge report that according to the Placer County In-Custody website parolee Holbert was arrested on 7/15/09. The website provides arresting information including the date and time of booking. The parolee's arrest was affected away from his residence of record and he was booked into the county jail at 0143 hours (DAPO imposed V.S.C.O.P. EID 1100 PM to 500 AM curfew). This information was known or should have been known when the CDCR 1502-B Charge Report was authored.
Huckabee (B99128) Sac North	<ol style="list-style-type: none"> 1. Drive Susp. License 2. Drive Under Influence Alcohol 3. Poss. Narcotic W/ORx 4. V.S.C.O.P. Not to Consume Alcohol-added 	Charge #2 "Driving Under the Influence of Alcohol" in and of itself clearly supports a use of alcohol violation.
Shugrue (E17945) Sac North	<ol style="list-style-type: none"> 1. Change Residence W/O Informing DAPO 2. Failure to Register per H&S 11590 3. Having Expired Vehicle Registration 	The AOR in the violation report referenced a March 03, 2009, COP and referral to Prop 36 decision. The AOR additionally

¹ Charges in **bold** print are those added between completion of the 1502-B and Violation Report (CDCR 1676).

	4. Driving W/O License 5. Poss. Drug Paraphernalia 6. Poss. Meth 7. Failure to Participate or Complete Drug Treatment Program - added	reported parolee Shugrue, at the time of the current arrest, had not provided proof of participating in Prop 36 as ordered. Clearly the elements of this added charge stems from approximately four months prior and should have been known by the agent when the charge report was authored.
Pierson (F97171) Gold Country	1. Illicit Use of Amphetamine/Meth 2. Failure to Follow Instructions	A review in RSTS Case Summary Report revealed that on 7/01/09 DAPO made an entry recording of Pierson's positive urine analysis for Amph/Meth. The AOR then reports that on 7/09/09, he received notice from a Prop 36 program that parolee Pierson had not attended AA/NA as instructed. It appears that DAPO had knowledge of charge #1 first but did not act on this information until receipt of charge #2 information, "Failure to Follow Instructions," not participating in AA/NA as instructed. DAPO although having knowledge of information that led to added charge #2 did not include it in the CDCR 1502B Charge Report.

3) Violation Report and Unit Supervisor Review

a) Timeliness

A timely US review of the violation report was completed in all 30 cases reviewed prior to the tour. **Exhibit 10.**

Placer County Jail/Auburn parole office	15/15 100%
El Dorado County Jail/Gold Country parole office	15/15 100%

The RSTS Closed Case Summary for June 1, 2009-August 15, 2009 revealed that Auburn cases were timely at this step 100% of the time and Gold Country cases were timely 93% of the time.

The Gold Country US reported she reviews the violation reports as soon as she gets them but offered some challenges that adversely impact timely completion of violation reports. Specifically, Gold Country's current staffing includes only two clerical positions, one AUS, four full time agents and one agent on a thirty day assignment, three PA I vacancies and an enormous geographic area covering six counties including areas near the Nevada Stateline. Current staffing has created challenges in the agents' ability to thoroughly investigate cases and draft complete violation reports.

b) Qualitative Document Review

- **"Priority designation** In 15/15 (100%) of the cases meeting criteria for priority designation, the CDC 1676 was not designated "Priority" as required by DAPO memorandum #5-30 date May 05, 2007. **Exhibit 11.** There were also two cases in

which the Par Ad did not designate the case priority in RSTS. However, there are instances where the Par Ad is not provided, or does not have access to, complete information to accurately determine whether a parolee meets the criteria for priority designation.

The priority designation was designed to ensure parole revocation cases posing the highest risk to public safety are processed expeditiously throughout the entire process. The OCC recognizes there is no violation of the Injunction or due process when revocation packets are not marked priority at the field units. However, failure to comply with this policy can have a significant impact later in the process when timelines associated with the probable cause and revocation hearings may be violated and charges are dismissed as a result. Proper priority designation alerts Par Ads, DRU staff and Deputy Commissioners that a case should be looked at quickly for special attention when timeframes are nearing expiration.

- 5/30 (17%) cases included arrests and convictions together on the CDC 1521-B in a way that made it impossible to differentiate the two. *Exhibit 12*. Parole agents have received training to separate arrests from convictions; however, this continues to be a problem throughout much of the state. Deputy Commissioners should not take arrests into consideration when determining case status or disposition and failure to differentiate the two disables the DC's ability to consider accurate and complete dispositional information.
- There were 16 cases reviewed prior to the tour in which the parolee was charged with violating a special condition of parole and only one in which the CDC 1515 Condition of Parole and/or an Addendum was not included. *Exhibit 12*. The CDC 1515 must be included as supporting evidence in all cases where a violation of special condition is charged.

As Exhibit 20 demonstrates, almost all of the revocation packets were complete. With the exception one case where the 1515 was missing (discussed above), all other packets contained the necessary revocation forms and supporting evidence.

4) Parole Administrator Review

a) Timeliness

A Parole Administrator (Par Ad) review was completed timely in all 30 cases reviewed prior to the tour. *Exhibit 13*.

b) Remedial Sanctions

The RSTS Closed Case Remedial Sanctions Summary report for the Bradshaw DRU revealed that for the months of June, July and August 2009, Par Ads recommended remedial sanction in 278/916 (30%) cases.

The RSTS Parole Administrator Statistics report offers a more in-depth review and confirms the Par Ads' recommend various available remedial sanction programs in a significant percentage of cases.

Auburn 38/95 (40%)

Gold Country 25/88 (28%)

Furthermore, this report verifies the Par Ads are using the "difference of opinion" option and recommending remedial sanction programs over the parole agent's request for a return to custody. The following chart reflects the ParAd DOP Remedial Sanction placements.

➤ June 09	95/388	(24%)
➤ July 09	105/396	(27%)
➤ August 09	75/391	(19%)

5) Return to Custody Assessment (RTCA)

a) Timeliness

All 30 RTCAs were timely for this tour. *Exhibit 14*. The acting ACDC at the DRU reported no significant issues or concerns regarding the RTCA step.

b) Qualitative Assessment

The monitors did not note any deficiencies in the quality of the BPH 1104-RTCA documents. The DCs documented their consideration of remedial sanctions in every case by utilizing the drop-down menu in RSTS or by making comments on the form directing the DC at the PCH to consider ICDTP or some other remedial sanction. *Exhibit 15*. In addition, the DCs made notes on the BPH 1104-RTCA in almost every case to document that a review of the BPH 1073 and DECS occurred. Several documents included verification of a parolee's reading level or TABE score, mental health status, or existing disabilities. For example, the 1104 for parolee Davis (G35040) includes a notation that the parolee has a very low TABE score, needs assistance reading and understanding, and that an attorney be appointed as an accommodation. Similarly, the 1104 for parolee Harris (V63452) includes a notation that a magnifier is needed for the parole proceedings. There were only four cases in which the DC did not make individualized notes on the 1104 documenting an ADA review or accommodations needed, but that does not mean that such a review did not occur as the RTCA was completed.

6) Appointment of Counsel and Effective Communication with Counsel

a) Timeliness

According to CalPAP statistics, appointment of counsel continues to be timely for a vast majority of cases assigned out of their Sacramento office. Data reveals the following timeliness statistics for the appointment of counsel:

Month	Cases Reviewed	Cases in compliance	Percent Timely
August 2009	464	442	95.26%
September 2009	492	473	96.14
October 2009	478	456	95.40%

b) Effective Communication

According to CalPAP's data, the following chart reports the provision of disability and source document information to defense counsel:

Month	Total Cases	1073 Missing	Source Doc. Required	Source Doc. Missing
August 2009	478	1 (<1%)	112	22 (20%)
September 2009	510	1 (<1%)	96	24 (25%)

c) Attorney Interview

The attorney who handled the hearings did not report any issues or concerns with processes at the El Dorado County Jail. He reported that he receives the RTCA in advance of his client interviews and is able to access the jail for hearings. In addition, the monitors verified that the attorney was able to access his clients at least one day in advance of the hearings to conduct the client interviews.

7) Probable Cause Hearing (PCH)

a) Timeliness

A timely PCH occurred in 29/30 cases reviewed prior to the tour. *Exhibit 16*. The two PCHs observed during the tour were also timely, for a total of 31/32 timely PCHs (97%). CalPAP reports that PCHs for cases processed out of the Sacramento office were timely for 97.78% of cases in August 2009, 95.32% of cases in September 2009 and 94.24 cases in October 2009.

b) Quality of Hearings

The DC began each hearing with an ADA review. He asked questions regarding disabilities, education and mental health status, in addition to reviewing the contents of the 1073 and DECS. The DC did state that he does not review the DAI summary screen within DECS but does look at the BPH ADA accommodation history and prior 1073s. The DC did not provide the parolee an explanation of the proceedings (to determine whether probable cause exists to believe the parolee committed a violation of parole). The DC specifically reviewed each charge, as well as the factual basis for the charge, with the parolee and defense counsel during both hearings. Parolee Wilson (F15236) was charged with use of methamphetamine. He did not challenge probable cause but focused on mitigating the disposition by talking about his successful parole adjustment until he started drinking, which in turn caused him to relapse. The DC gave the parolee credit for time served and imposed a

special condition that the parolee not possess or consume alcohol. Parolee Witzke (G17287) was charged with failing to charge his GPS. He contested probable cause by stating that he always charges his GPS device and that the device indicated it was charged and then quickly died without him noticing. The parolee also submitted a letter from his wife stating that he always charges his GPS for the time required. The DC reviewed the RTCA and alternate disposition during negotiations and allowed the parolee to present mitigating evidence regarding disposition. The parolee accepted credit for time served.

One deficiency noted during observations was that the DC did not verbalize his probable cause findings during either hearing. After the evidence was presented the DC simply moved into disposition negotiation. The DCs must announce their probable cause findings. DCs have recently received training on this requirement so the OCC expects to see improvement on this point in the future. The DC documented his probable cause findings in one case but failed to do so in the documents for parolee Witzke. *Exhibit 17*.

c) Remedial Sanctions

The DC discussed remedial sanctions during one hearing but neglected to discuss them during the other. The DC reported that he was not aware of the policy allowing for out of county transfers to remedial sanction programs should none be available in the area. He also reported that he does not feel up-to-date regarding the types of programs available for his use. The DC also admitted that he does not communicate with the Par Ad regarding eligibility and availability of programs when he is considering remedial sanctions not previously recommended by the Par Ad or other DAPO staff.

The DC documented their consideration of remedial sanctions in all cases reviewed prior to the tour at the PCH step. *Exhibit 18*.

d) Document Review

There was only one case in which the DC did not adequately document the evidentiary basis for the probable cause finding. *Exhibit 21*. The DC wrote a good factual summary for all charges except absconding. For the abscond charge the DC wrote, "Parolee was unavailable for supervision, his whereabouts were unknown to AOR, and on 6/9/09 the Board suspended his parole..." This summary is conclusory and does not include any facts to support how the DC determined the parolee was, in fact, unavailable for supervision.

There was also one case in which BPH staff did not complete Section IV of the 1073 in DECS and one case in which the DC did not complete Section V of the 1073 in DECS. *Exhibit 22*.

8) Revocation Hearing

a) Timeliness

Only one case reviewed prior to the tour proceeded to a revocation hearing and was timely. *Exhibit 19*. The revocation hearing observed during the tour was also timely. According to CalPAP, 100% of revocation hearings for cases processed out of the Sacramento office were timely in August 2009, 98.40% were timely in September 2009, and 95.6% were timely in October 2009.

b) Quality of Hearings

One revocation hearing occurred during the tour. Parolee Walker (F12282) was charged with battery with great bodily injury after he got into a fight during a party, causing the victim to require seven staples to close a wound inflicted by the parolee. A substitute agent appeared for DAPO because the AOR was attending mandatory training. He had the field file with him. The parolee entered a guilty plea once he learned that the alleged victim appeared to testify. Good cause was found based on the plea. The parolee had only been on parole for about two weeks before the violation occurred. The DC returned the parolee to custody for 12I.